It is difficult to see how plaintiff in this case could expect to acquire an easement of necessity in the land of a stranger. The general rule is, that a way of necessity is based on the presumption of an implied grant—even where the way of necessity is claimed by implied reservation, because the theory in such case is that there is a grant and then a grant back—and in order to found a claim to such an easement, unity of ownership of the dominant and servient tenements at some time is essential. GALE, EASEMENTS (8 Ed.) 171; *Pennington* v. *Galland,* 9 Exch. 1; *Powers* v. *Harlow,* 53 Mich. 507; *Collins* v. *Prentice,* 15 Conn. 39. A way of necessity is a way which is a convenient access to a land-locked tenement over other property belonging to the grantor. *Brown* v. *Alabaster,* L. R. 37 Ch. Div. 490. The case is interesting, however in that the Texas court holds that in order to the creation of a way of necessity the party claiming it must be wholly deprived of the use of his land. *Hall* v. *City of Austin,* 20 Tex. Civ. App. 59. Some jurisdictions hold that a way of necessity will be implied if the access to the land by any other way would involve disproportionate labor or expense. *Pettingill* v. *Porter,* 8 Allen 1, 85 Am. Dec. 671; *Smith* v. *Griffin,* 14 Colo. 429. It appeared in the principal case that the plaintiff could reach the public highway by another way, which was very inconvenient and circuitous. A rule in accordance with that followed in the principal case was announced in *Screven* v. *Gregorie,* 8 Richardson's Law (S. C.) 158, and *Hildreth* v. *Googins,* 91 Me. 227 and cases cited therein.

ELECTIONS—BALLOTS CAST FOR MAN NOT PROPERLY NOMINATED COUNTED TO DETERMINE PLURALITY.—Through an error in the record of the votes the name of the defeated party in the primary nomination contest was placed upon the election ballot, and he received a plurality of the votes at the election. Later it was discovered that the other candidate for the nomination had won at the primaries. *Held,* that the votes for the improperly nominated party were to be counted, and the party receiving the next highest number of votes could not be considered as receiving a plurality. *Heald* v. *Payson* (Me. 1913) 85 Atl. 576.

The facts in this case are novel. The general rule is that votes for an ineligible candidate shall be counted for the determination of majorities, pluralities, etc. *State* v. *Swearingen,* 12 Ga. 23; *Lamoreaux* v. *Ellis,* 89 Mich. 146, 50 N. W. 812; *Campbell* v. *Free,* 93 Pac. 1060. The English rule is to the same effect, unless the electors have sufficient notice of the candidate's ineligibility. *Queen ex rel. Mackley* v. *Coaks,* 3 E. & B. 249; *Claridge* v. *Evelyn,* 5 Barn. & Ald. 81. This rule is followed in Indiana; *Copeland* v. *State,* 126 Ind. 51, 25 N. E. 866; *State* v. *Bell,* 169 Ind. 61, 82 N. E. 69, 13 L. R. A. (N. S.) 1013. On the other hand ballots improperly printed or marked were not taken into consideration in determining the number of votes in *State* v. *Roper,* 47 Neb. 417, 66 N. W. 539; *Hopkins* v. *Duluth,* 81 Minn. 189, 83 N. W. 536; *Catlett* v. *Knoxville S. & E. Ry. Co.,* 120 Tenn. 699, 112 S. W. 559.

EXECUTION—INTEREST SUBJECT THERETO.—One Kendall died, leaving his real and personal property to his wife for life, directing that after her death